



Legal Issues & Concerns Of Rescinding Job Offers

Special Interest Articles

Legal Issues and Concerns of Rescinding Job Offers

5 New Skills To Be A Successful Recruiter

Upcoming Events

Employer Services

Next "Finding Talent" Event

Sept. 24, 2009

**Legal Issues:
Background Checks &
Electronic
Communications**

6 – 7:30 p.m.

200 S. Wacker Drive

Chicago

Individual Highlights

| | |
|-------------------|-----|
| Main Article | 1-2 |
| Additional News | 2-3 |
| Calendar | 3 |
| Employer Services | 4 |

Helping employers find experienced talent



More employers are rescinding job offers due to the recession and the ever-changing economic environment. Diane Cadrain and George C. Hlavac, Esquire, and Edward J. Easterly have written articles in which they discuss the legal recourses available to both employers and candidates in circumstances in which a job offer is rescinded.

Reasons For Rescission

In today's economic environment, the most common reason employers rescind a job offer is that business circumstances changed after the offer was made. Other reasons for rescinding a job offer may include the failure of a candidate to pass a drug test or refusal by a candidate to sign a non-compete agreement. Although it's legal in most instances to withdraw a job offer, according to author Diane Cadrain, the reasons for doing so should be sound. The process should be carried out carefully and with an eye toward relevant case law involving rescinded offers.

Candidates' Legal Recourse

In Cadrain's article, attorneys at Tallman, Hudders & Sorrentino P.C. mentioned that candidates may use one of

the following legal theories to pursue a claim against the employer:

Promissory estoppel occurs when a promise of employment results in a loss of some kind to the candidate. For example, the candidate leaves an existing job after accepting the offer.

Fraudulent misrepresentation occurs when a company knowingly makes an offer under false pretenses. An example of this claim is when a candidate moves to the employer's location and after arriving to work is informed that the employer is closing the location, a fact that was known by the employer prior to the job offer.

Breach of contract occurs when an offer and acceptance specify a length of time of employment or that employment may be terminated only for "just cause." In this situation, a contractual relationship may exist between the parties, and a breach of contract may occur if the employer rescinds the offer.

Protecting Your Company & Reputation

During the entire hiring process, communications among the recruiters, interviewers, human resources, managers and the company or subsidiary is critical. The article cited a case in which recruiters were

said to be in the dark about the parent company's plans to close down the plant. Attorney Barran Liebman recommended that one person take control of the hiring process, have Human Resources sit in on the interviews and author all the letters.

Attorney Peter Petesch mentioned that one of the best ways to prevent litigation for withdrawing a job offer is to have a policy explaining that an offer can be rescinded.

Continued on page 2



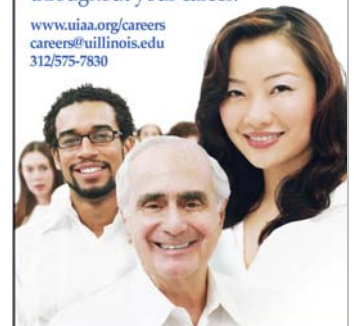
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5 New Skills To Be A Successful Recruiter

"According to Kevin Wheeler, the skills of a successful recruiter are shifting from the traditional technical recruiting skills to more 'soft' skills."

Recruiting departments are expected to improve productivity despite the economy and companies cutting costs. According to Kevin Wheeler, president and founder of Global Learning Resources, Inc. The skills of a successful recruiter are shifting from the traditional technical recruiting skills to more 'soft' skills. This shift is due to candidates looking for more than just a job, money or security, despite being unemployed. Candidates, in general, are driven by their passion and are looking for work that is engaging and meaningful. As a result, recruiting will be focused on alignment with the candidate's own inner self and finding that organization and position that fit very closely with the candidate's career objectives and values.

According to Wheeler, the following are five skills of a successful recruiter:

Skill #1: Recruiters have personal values and talk about them.

Knowing yourself and what your values are about work, people and relationships is key. Recruiters must be

authentic and convey their sincerity to candidates. If a candidate senses the values of the recruiter and the company are not aligned, that disconnect will make the best candidates much harder to close.

Skill #2: Recruiters know and can explain the talent market.

Competent recruiters must be data-driven, gather and interpret data, make correlations between competencies and success, and measure the impact of different marketing messages. They should be able to tell the hiring manager what the talent market looks like, what the supply of talent for a particular job is likely in their specific area and how difficult it will be to find and close candidates. Utilizing Web-based tools that help in mining and understanding candidate trends, likes and dislikes, and assessing which candidates are good employees is important. Understanding their client's and their organization's overall

market conditions combined with the ability to build relationships, can be very effective in recruiting. Recruiters should have knowledge of whether competitors are laying off or if the market is growing or contracting.

Skill #3: Recruiters build relationships.

Networking and using technology to find great people and build relationships with them is core to recruiting competence. Technology can assist recruiters in establishing the initial relationship. Afterward, the recruiter will need to leverage the relationship by using various social medias including Twitter, blogs, Web sites, etc., that will create authentic interactions with a potential candidate. Wheeler mentioned that recruiters who can provide some career advice, listen to candidates' concerns and provide advice on which positions might be the best fit will be recruiters who grow and thrive in this and any economy.

Continued on page 3

Legal Issues & Concerns Of Rescinding Job Offers

Continued from page 1

It is recommended that the rescission policy be incorporated into the application and in the employer handbook.

Cadrain advised caution regarding entering into a contract in the first place. She cautioned against offering applicants too

much information or information that is too detailed. She mentioned that by doing so, the employer may be entering into an employment contract.

SOURCES:

Diane Cadrain, "How To Say No After Saying Yes," HRMagazine, April 2006.

George C. Hlavac, Esquire, and Edward J. Easterly, "Legal Issues: The Legal and Ethical Concerns of Rescinding Job Offers and Reneging on Job Offers," Web site: www.naceweb.org/spotlight/2009/c031809.htm, March 19, 2009

Back by Popular Demand: Behavioral Interviewing Seminars

The UIAA Alumni Career Center and our partner, Crowe Horwath LLP, are pleased to offer a second series of Professional Development & Networking Seminars on "Promoting Behavioral Interviewing."

Promoting Behavior Interviewing seminars are designed to accommodate recruiters with different levels of skills and knowledge in behavioral interviewing. Recruiters will learn the process of using behavioral interviewing in recruiting and will be given the opportunity to practice in between seminars and return, if needed, to advance to the next session level of expertise in behavioral interviewing. Each set of seminars is conveniently offered in the morning in downtown Chicago or in the western suburb of Oak Brook.

SAVE THE DATE

Time for all seminars: 8:00 am to 10:30 am

Session 1

August 6, 2009, located in Oak Brook
August 24, 2009, located in downtown Chicago

Session 2

August 21, 2009, located in Oak Brook
September 3, 2009, located in downtown Chicago

Price: \$35/per session

Watch for more details and the invitation to follow in July.

University of Illinois Career Fairs

Illinois College of Engineering Career Fair

Date: Sept. 1, 2009
Call: 217/ 333-1960

Illinois College of Business Career Fair

Date: Sept 15-16, 2009
Call: 217/ 265-0864

UIC Fall Diversity Job Fair

Date: Sept. 17, 2009
Contact: jaimev@uic.edu



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Visit www.mwace.org for more information or to register.

5 New Skills To Be A Successful Recruiter

Continued from page 2

Skill #4: Recruiters prove their value

Competent recruiters use metrics to put together business arguments and can help a hiring manager make a business case for a particular position. Successful recruiters will use facts, numbers, and results to show how they add value, raise quality,

improve profits, and save money.

Skills #5: Recruiters sell and close candidates.

Successful recruiters must be good at closing the deal with the candidate and selling the candidate to the hiring managers. Recruiters must also know how to overcome objections and turn negatives into positives, be able to offer solutions or

work out compromises that are consistent with their values and those of the organization.

Lou Adler, president of The Adler Group, mentioned there are some things recruiting leaders can do to increase overall productivity. He recommended establishing a continuous improvement program to keep pace with constant changes.

SOURCES:

Kevin Wheeler, "5 New Recruiting Skills For Success," Web site: <http://www.ere.net/2009/05/08/5>, May 8, 2009

Lou Adler, "How To Do More With Half The Recruiting Staff," Web site: www.ere.net/articles, May 20, 2009

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"Finding Talent" Series

Through the "Finding Talent" newsletters and events, the University of Illinois Alumni Association Alumni Career Center aims to offer networking and professional development opportunities for people with hiring, interviewing or recruiting responsibilities. The series has covered a wide range of topics, including technology

tools, trends, marketing and behavior-based interviewing.

"Finding Talent" has something to offer both new and seasoned recruiting professionals. Events are hosted in the spring and fall. Please contact Bernice Allegretti with suggested topics and if you would like to share your expertise as a presenter.

SAVE THE DATE

Next "Finding Talent" event
Sept. 24, 2009
6 – 7:30 p.m.

Legal Issues: Background Checks & Electronic Communications

200 S. Wacker Drive, Chicago

RSVP: ballegre@uillinois.edu

Why You Should Attend "Finding Talent" Series

The "Finding Talent" series presents high-quality programs. The following are some quotes from recruiters who attended and told us how the "Finding Talent" program has helped them:

"I really enjoyed the presentation! I now feel more comfortable with Web 2.0 and coming up with a new recruiting plan for my company."

"We have changed our recruiting marketing materials (including careers Web site, career fair displays, career fair handouts) based on information learned from the program."

"This was my first one, and I really liked it. It was informative and useful."

"I found the overall content to be very helpful in our moving to the next level in our recruiting."

"It was very informative!"

"I think this series is great. It helps to hear what other people are thinking, what issues are arising and solutions others have used.

"It is a great way to network with other Chicago area recruiters."

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